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JUN 30 2004
PATENT & TRADEMARK OFFICE

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: June 28, 2004 Name: Michele Dolinski, Patent Paralegal Signature: Michele Dolinski

BRINKS HOFER GILSON & LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	Fred R. Wolf et al.
Appln. No.:	10/678,025
Filed:	September 30, 2003
For:	CHEWING GUM CONTAINING PHYSIOLOGICAL COOLING AGENTS
Examiner:	TBA
Group Art Unit:	1761

Attorney Docket No: 1391/1554 (COLPCT 03)

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir: **Attached is/are**:

☒ Information Disclosure Statement (5 pgs.), PTO 1449 form citing refs. A1-A97 (3 pgs.), zero (0) copies of references.

☒ Return Receipt Postcard

Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of $_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of $_____ under 37 C.F.R. § 1.17(_____).

☐ An additional filing fee has been calculated as shown below:

						Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x $9=			x $18=	
Indep.		Minus				x 43=			x $86=	
First Presentation of Multiple Dep. Claim						+$145=			+ $290=	
						Total	$		Total	$

Fee payment:

☐ A check in the amount of $_____ is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of $. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of $_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

June 28, 2004
Date

Steven P. Shurtz
Steven P. Shurtz (Reg. No. 31,424)
Attorney for Applicants
Customer No.: 00757

BRINKS HOFER GILSON & LIONE
NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

OIPE JUN 30 2004 U.S. PATENT & TRADEMARK OFFICE

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June 28, 2004
Date of Deposit

Steven P. Shurtz, Reg. No. 31,424
Name of Applicant, Assignee or
Registered Representative

Steven P. Shurtz Ind.
Signature

6-28-04
Date of Signature

Our Case No.: 1391/1561

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Fred R. Wolf et al.

Serial No.: 10/678,025 | Examiner: TBA

Filing Date: September 30, 2003 | Group Art Unit No.: 1761

For: CHEWING GUM CONTAINING PHYSIOLOGICAL COOLING AGENTS

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record.

x Did not receive any FOR or NPL.

The references now cited are the following:

US PATENTS

DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME
3,639,569	02/01/72	Medcalf, Jr. Ralph F.
3,644,613	02/22/72	Moeller et al.
3,720,762	03/13/73	Hatasa et al.
3,793,446	02/19/74	Moeller et al.
4,029,759	06/14/77	Humbert et al.
4,033,994	07/05/77	Watson et al.
4,034,109	07/05/77	Rowsell et al.
4,060,091	11/29/77	Watson et al.
4,070,449	01/24/78	Rowsell et al.
4,081,480	03/28/78	Evers et al.
4,105,801	08/08/78	Dogliotti, A.
4,127,677	11/08/78	Fronczkowski, P. et al.
4,136,163	01/23/79	Watson et al.
4,139,639	02/13/79	Bahoshy et al.
4,146,653	03/27/79	Mader et al.
4,153,679	05/08/79	Rowsell et al.
4,157,384	06/05/79	Watson et al.
4,190,643	02/26/80	Watson et al.
4,230,687	10/28/80	Sair et al.
4,230,688	10/28/80	Rowsell et al.
4,248,859	02/03/81	Rowsell et al.
4,296,093	10/20/81	Rowsell et al.
4,296,255	10/20/81	Roswell et al.
4,317,838	03/02/82	Cherukuri et al.
4,318,900	03/09/82	Rowsell et al.
4,384,004	05/17/83	Cea et al.
4,386,106	05/31/83	Merrit et al.
4,423,086	12/27/83	Devos, F. et al.
4,459,425	07/10/84	Amano et al.
4,515,769	05/07/85	Merritt et al.
4,597,970	07/01/86	Sharma et al.
4,634,593	01/06/87	Stroz et al.
4,671,967	06/09/87	Patel, M. et al.
4,681,766	07/21/87	Huzinec, R. et al.
4,724,151	02/09/88	Mansukhani G. et al.
4,753,790	06/28/88	Silva, J. et al.
4,786,511	11/22/88	Huzinec. R. et al.
4,792,453	12/20/88	Reed et al.
4,828,845	05/09/89	Zamudio-Tena et al.
4,840,797	06/20/89	Boursier, B.
4,961,935	10/09/90	Cherukuri, S. et al.
4,978,537	12/18/90	Song, Joo H.
5,009,893	04/23/91	Cherukuri S. et al.
5,128,155	07/07/92	Song J. et al
5,165,943	11/24/92	Patel, M. et al.

DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME
5,248,508	09/28/93	Reed, M. et al.
5,266,592	11/30/83	Grub, H. et al.
5,270,061	12/14/93	Reed, M. et al.
5,326,574	07/05/94	Chapdelaine et al.
5,348,750	09/20/94	Greenberg, M.
5,372,824	12/13/94	Record, D. et al.
5,376,389	12/27/94	Reed, M. et al.
5,409,715	04/25/95	Meyers
5,451,404	09/19/95	Furman
5,478,593	12/26/95	Serpellioni, M. et al.
5,527,542	06/18/96	Serpellioni, M. et al.
5,536,511	07/16/96	Yatka, Robert J.
5,571,547	11/05/96	Serpellioni, M. et al.
5,578,339	11/26/96	Kunz, M. et al.
5,603,970	02/18/97	Tyrpin, H. et al.
5,665,406	09/09/97	Reed, M. et al.
5,716,652	02/10/98	Barkalow, D. et al.
5,725,865	03/10/98	Mane et al.
5,827,852	10/27/98	Russell et al.
5,843,466	12/01/98	Mane et al.
6,231,900	05/15/01	Hanke
6,627,233 B1	09/30/03	Wolf et al.

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY
CA 2,101,790	02/07/94	Canada
FR 2 577 922	02/11/86	France
DE 24 33 165	01/30/75	Germany
DE 26 08 226	09/08/77	Germany
GB 1,315,625	05/02/73	Great Britain
GB 1,404,596	09/03/75	Great Britain
GB 1,411,785	10/29/75	Great Britain
GB 1,411,786	10/29/75	Great Britain
GB 1,421,743	01/21/76	Great Britain
GB 1,421,744	01/21/76	Great Britain
GB 1,442,998	01/28/76	Great Britain
GB 1,476,351	06/10/77	Great Britain
GB 1,502,680	03/01/78	Great Britain
GB 2,115,672	09/14/83	Great Britain
JP 94-065023	03/08/84	Japan
WO 84/03201	08/30/84	WIPO
WO 89/05590	06/29/89	WIPO
WO 90/11020	10/04/90	WIPO
WO 90/14015	11/29/90	WIPO
WO 91/03147	03/21/91	WIPO

DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY
WO 94/06308	03/31/94	WIPO
WO 94/10117	05/11/94	WIPO
WO 95/07622	03/23/95	WIPO
WO 95/07625	03/23/95	WIPO
WO 95/08925	04/06/95	WIPO
WO 96/17524	06/13/96	WIPO
WO 96/28133	09/19/96	WIPO
WO 97/07771	03/06/97	WIPO
WO 97/24036	07/10/97	WIPO

OTHER ART REFERENCE

Voirol, F. "Chewing Gum History: Xylitol Sweetened Chewing Gum" subtitle "The Evolution of Chewing Gum: Xylitoy and the Prevention of Dental Caries", published March, 1985, pp 1-76.

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925.

This application is a continuation application of U.S. Serial No. 09/527,170, filed March 16, 2000, now U.S. Patent No. 6,627,233, which is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d), only copies of non U.S. patent documents not previously cited and submitted to the Patent and Trademark Office in the prior application Serial No. 09/527,170, are required to be submitted. Inasmuch as all the listed references were cited in the parent application or

are U.S. patent documents, no reference copies are being submitted herewith. The relevance of non-English language documents for which no translation has been provided has been provided and is as noted in the parent file.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

June 28, 2004

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OIPE JC68 JUN 30 2004 PATENT & TRADEMARK OFFICE

FORM PTO-1449	SERIAL NO. 10/678,025	CASE NO. 1391/1554 (COLPCT 03)
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 30, 2003	GROUP ART UNIT 1761
(use several sheets if necessary)	APPLICANT(S): Fred R. Wolf et al.	

REFERENCE DESIGNATION **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	3,639,569	02/01/72	Medcalf, Jr. Ralph F.		
	A2	3,644,613	02/22/72	Moeller et al.		
	A3	3,720,762	03/13/73	Hatasa et al.		
	A4	3,793,446	02/19/74	Moeller et al.		
	A5	4,029,759	06/14/77	Humbert et al.		
	A6	4,033,994	07/05/77	Watson et al.		
	A7	4,034,109	07/05/77	Rowsell et al.		
	A8	4,060,091	11/29/77	Watson et al.		
	A9	4,070,449	01/24/78	Rowsell et al.		
	A10	4,081,480	03/28/78	Evers et al.		
	A11	4,105,801	08/08/78	Dogliotti, A.		
	A12	4,127,677	11/08/78	Fronczkowski, P. et al.		
	A13	4,136,163	01/23/79	Watson et al.		
	A14	4,139,639	02/13/79	Bahoshy et al.		
	A15	4,146,653	03/27/79	Mader et al.		
	A16	4,153,679	05/08/79	Rowsell et al.		
	A17	4,157,384	06/05/79	Watson et al.		
	A18	4,190,643	02/26/80	Watson et al.		
	A19	4,230,687	10/28/80	Sair et al.		
	A20	4,230,688	10/28/80	Rowsell et al.		
	A21	4,248,859	02/03/81	Rowsell et al.		
	A22	4,296,093	10/20/81	Rowsell et al.		
	A23	4,296,255	10/20/81	Roswell et al.		
	A24	4,317,838	03/02/82	Cherukuri et al.		
	A25	4,318,900	03/09/82	Rowsell et al.		
	A26	4,384,004	05/17/83	Cea et al.		
	A27	4,386,106	05/31/83	Merrit et al.		
	A28	4,423,086	12/27/83	Devos, F. et al.		
	A29	4,459,425	07/10/84	Amano et al.		
	A30	4,515,769	05/07/85	Merritt et al.		
	A31	4,597,970	07/01/86	Sharma et al.		
	A32	4,634,593	01/06/87	Stroz et al.		
	A33	4,671,967	06/09/87	Patel, M. et al.		
	A34	4,681,766	07/21/87	Huzinec, R. et al.		
	A35	4,724,151	02/09/88	Mansukhani G. et al.		
	A36	4,753,790	06/28/88	Silva, J. et al.		

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 10/678,025	CASE NO. 1391/1554
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REFERENCE DESIGNATION **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A37	4,786,511	11/22/88	Huzinec. R. et al.		
	A38	4,792,453	12/20/88	Reed et al.		
	A39	4,828,845	05/09/89	Zamudio-Tena et al.		
	A40	4,840,797	06/20/89	Boursier, B.,		
	A41	4,961,935	10/09/90	Cherukuri, S. et al.		
	A42	4,978,537	12/18/90	Song, Joo H.		
	A43	5,009,893	04/23/91	Cherukuri S. et al.		
	A44	5,128,155	07/07/92	Song J. et al		
	A45	5,165,943	11/24/92	Patel, M. et al.		
	A46	5,248,508	09/28/93	Reed, M. et al.		
	A47	5,266,592	11/30/83	Grub, H. et al.		
	A48	5,270,061	12/14/93	Reed, M. et al.		
	A49	5,326,574	07/05/94	Chapdelaine et al.		
	A50	5,348,750	09/20/94	Greenberg, M.		
	A51	5,372,824	12/13/94	Record, D. et al.		
	A52	5,376,389	12/27/94	Reed, M. et al.		
	A53	5,409,715	04/25/95	Meyers		
	A54	5,451,404	09/19/95	Furman		
	A55	5,478,593	12/26/95	Serpellioni, M. et al.		
	A56	5,527,542	06/18/96	Serpellioni, M. et al.		
	A57	5,536,511	07/16/96	Yatka, Robert J.		
	A58	5,571,547	11/05/96	Serpellioni, M. et al.		
	A59	5,578,339	11/26/96	Kunz, M. et al.		
	A60	5,603,970	02/18/97	Tyrpin, H. et al.		
	A61	5,665,406	09/09/97	Reed, M. et al.		
	A62	5,716,652	02/10/98	Barkalow, D. et al.		
	A63	5,725,865	03/10/98	Mane et al.		
	A64	5,827,852	10/27/98	Russell et al.		
	A65	5,843,466	12/01/98	Mane et al.		
	A66	6,231,900	05/15/01	Hanke		
	A67	6,627,233 B1	09/30/03	Wolf et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO
	A68	CA 2,101,790	02/07/94	Canada		X	
	A69	FR 2 577 922	02/11/86	France		X	
	A70	DE 24 33 165	01/30/75	Germany		X	

EXAMINER	DATE CONSIDERED

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	A71	DE 26 08 226	09/08/77	Germany		X	
	A72	GB 1,315,625	05/02/73	Great Britain			
	A73	GB 1,404,596	09/03/75	Great Britain			
	A74	GB 1,411,785	10/29/75	Great Britain			
	A75	GB 1,411,786	10/29/75	Great Britain			
	A76	GB 1,421,743	01/21/76	Great Britain			
	A77	GB 1,421,744	01/21/76	Great Britain			
	A78	GB 1,442,998	01/28/76	Great Britain			
	A79	GB 1,476,351	06/10/77	Great Britain			
	A80	GB 1,502,680	03/01/78	Great Britain			
	A81	GB 2,115,672	09/14/83	Great Britain			
	A82	JP 94-065023	03/08/84	Japan		X	
	A83	WO 84/03201	08/30/84	WIPO			
	A84	WO 89/05590	06/29/89	WIPO			
	A85	WO 90/11020	10/04/90	WIPO			
	A86	WO 90/14015	11/29/90	WIPO			
	A87	WO 91/03147	03/21/91	WIPO			
	A88	WO 94/06308	03/31/94	WIPO			
	A89	WO 94/10117	05/11/94	WIPO			
	A90	WO 95/07622	03/23/95	WIPO			
	A91	WO 95/07625	03/23/95	WIPO			
	A92	WO 95/08925	04/06/95	WIPO			
	A93	WO 96/17524	06/13/96	WIPO			
	A94	WO 96/28133	09/19/96	WIPO			
	A95	WO 97/07771	03/06/97	WIPO			
	A96	WO 97/24036	07/10/97	WIPO			

EXAMINER INITIAL		OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)
	A97	Voirol, F. "Chewing Gum History: Xylitol Sweetened Chewing Gum" subtitle "The Evolution of Chewing Gum: Xylitoy and the Prevention of Dental Caries", published March, 1985, pp 1-76.

EXAMINER	DATE CONSIDERED

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